

**ATTORNEY DOCKET NO. 13172.0015U1  
Application No. 10/072,666**

**Remarks**

Claims 1-138 are pending. Claims 137 and 138 were previously withdrawn from consideration as being drawn to a non-elected invention.

**Double Patenting Rejection**

Claims 1-136 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 6,921,642 to Kingsmore et al in view of Baner et al. (Nucleic Acids Res. vol 26, pages 5073-5078 (1998)). Applicants respectfully traverse this rejection.

Applicant submits with this Amendment a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) relative to U.S. Patent No. 6,921,642. It is believed that this obviates the present rejection pursuant to M.P.E.P. § 804.02.

Pursuant to the above remarks, reconsideration and allowance of the pending application is believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

No fees are believed due. However, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

BALLARD SPAHR ANDREWS & INGERSOLL, LLP



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**CERTIFICATE OF ELECTRONIC TRANSMISSION UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via electronic transmission via EFS-Web on the date indicated below.

Name of Person Mailing (Print/Type)	Scott D. Marty, Ph.D.		
Signature		Date	9-10-08